

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARJAM SUPPLY CO. : CIVIL ACTION  
:   
:   
v. :   
:   
BCT WALLS & CEILINGS, INC. :   
AND BERNARD C. TORDA, JR. : NO. 02-CV-2890

ORDER

---

\_\_\_\_AND NOW, this 25<sup>th</sup> day of September, 2002, after a hearing at which counsel for all parties were heard, it is **ORDERED** that:

1. All discovery shall be completed by **NOVEMBER 25, 2002**.

2. Pretrial memoranda in accordance with Fed. R. Civ. P. 26 as amended, Local Rule 16.1(c), and the rules of this judge as stated in the Handbook of Pre-Trial and Trial Practices and Procedures of the United States District Court for the Eastern District of Pennsylvania (available from the Clerk of Court or the Philadelphia Bar Association, or on-line at [www.paed.uscourts.gov](http://www.paed.uscourts.gov), under Judge Shapiro's procedures) shall be filed as follows:

Plaintiff - on or before **NOVEMBER 25, 2002**;

Defendant - on or before **DECEMBER 9, 2003**;

Defendant's memorandum as plaintiff on the counterclaim - on or before **DECEMBER 9, 2003**; and

Plaintiff's responsive memorandum to the counterclaim - on or before **DECEMBER 23, 2003**.

Plaintiff shall propose stipulated facts. Defendant shall state agreement or disagreement with each of plaintiff's proposed stipulated facts and may counter-propose stipulated facts to which plaintiff is obligated to respond prior to the final pretrial conference.

Exhibits shall be submitted to chambers with the final pretrial memoranda. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and **premarked** for use at trial; no exhibit shall be listed unless it is already in the possession

of opposing counsel. **Only specifically listed exhibits may be used in the party's case-in-chief** except by leave of court.

As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given no later than two weeks prior to the date the final pretrial memorandum is due.

All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of court. Any party who intends to use deposition testimony at trial must submit deposition designations, counter-designations and objections in the final pretrial memorandum.

Any party who intends to use expert testimony at trial must comply with Fed. R. Civ. P. 26(a)(2) on or before the due date of that party's pretrial memorandum, unless earlier ordered by the court. An expert's testimony at trial shall be limited to the information provided by the due date of a party's pretrial memorandum.

Any other pretrial or trial matter requiring attention of the judge prior to trial, including but not limited to subjects for consideration at pretrial conferences listed in Fed. R. Civ. P. 16(c)(1-16), shall be specifically addressed in the final pretrial memorandum.

**Any motions for summary judgment or other pretrial motions must be filed on or before the due date of the moving party's pretrial memorandum;** an answer to any such motion must be filed within the time provided by the Rules of Civil Procedure. No reply is permitted without leave of the court. Oral argument on any such motions will be heard at the final pretrial conference.

3. The final pretrial conference is scheduled for **JANUARY 21** at **3:00 p.m.** Trial counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the court as soon as any conflict becomes known so the court may consider rescheduling the conference. **Unless the court has otherwise granted permission, whoever attends the final pretrial conference will try the case.**

A settlement conference with a magistrate judge will be scheduled at the conclusion of discovery.

4. This case will be placed in the NON-jury trial pool on **JANUARY 22**, subject to call on 48 hours notice in accordance with the standing rule of this court as published in The Legal Intelligencer. **On or before the date of trial, the parties shall**

submit requests for findings of fact and conclusions of law,  
preferably on a computer disk.

---

Norma L. Shapiro, S.J.